

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-CV-00770-FDW-DSC**

**EARL K. CHERRY AND SUSAN FANNING,)
INDIVIDUALLY AND ON BEHALF OF ALL)
OTHERS SIMILIARLY SITUATED,)**

Plaintiffs,)

vs.)

ELECTROLUX HOME PRODUCTS, INC.,)

Defendant.)

ORDER

THIS MATTER is before this Court upon Plaintiffs Earl K. Cherry's and Susan Fanning's Motion to Dismiss with Prejudice Under Fed. R. Civ. P. 41. (Doc. No. 37). In their Motion, Plaintiffs request that this Court dismiss their entire case against Defendant Electrolux. Plaintiffs also request that this Court not award attorney's fees and costs to Electrolux. Having reviewed the issue, the Court hereby GRANTS the Motion. This case is hereby DISMISSED WITH PREJUDICE. With respect to attorney's fees and costs, each party shall be responsible for their own attorney's fees and costs. Furthermore, Defendant's Motion to Strike Plaintiff's Putative Class Action Allegations and to Dismiss Counts II, IV, V, and VI of Plaintiff's Complaint, (Doc. No. 15) is hereby DENIED AS MOOT. The Clerk's Office is respectfully directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: June 20, 2013



Frank D. Whitney
Chief United States District Judge

